



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

MEMORANDUM

UNITED STATES OF AMERICA

Case No. 3:18mj256-EMT

-vs-

JOSEPH MALDONADO-PASSAGE

FILED

OCT 01 2018

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY ae DEPUTY

DATE: September 11, 2018

TO: United States District Court
Western District of Oklahoma
200 NW 4th Street
Oklahoma City, OK 73102

Your case No.: 3:17cr72-J-39JRK

FROM: Paula Cawby, Courtroom Deputy
Elizabeth M. Timothy, United States Magistrate Judge
Charles J. Kahn, Jr. United States Magistrate Judge
United States Courthouse
100 North Palafox Street
Pensacola, Florida 32502-5625

SUBJECT: Rule 5 Proceedings

The above-styled case originated in your division. Enclosed please find copies of documents regarding proceedings held in the Northern District of Florida in Pensacola, Florida wherein the following action was taken:

INITIAL APPEARANCE: September 11, 2018
DETENTION STATUS: Defendant Remanded
CHARGING DOCUMENT: Indictment

Enclosures



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

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CLOSED

**U.S. District Court
Northern District of Florida (Pensacola)
CRIMINAL DOCKET FOR CASE #: 3:18-mj-00256-EMT-1
Internal Use Only**

Case title: USA v. MALDONADO-PASSAGE

Date Filed: 09/07/2018

Assigned to: MAGISTRATE JUDGE
ELIZABETH M TIMOTHY

Defendant (1)**JOSEPH MALDONADO-PASSAGE****Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**



None

Complaints

None

Disposition**Plaintiff****USA**

Date Filed	#	Docket Text
09/07/2018	<u>1</u>	Copy of Indictment from Western District of Oklahoma re JOSEPH MALDONADO-PASSAGE (pmc) (Entered: 09/07/2018)
09/07/2018	<u>2</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE ELIZABETH M TIMOTHY:Initial Appearance in Rule 5(c)(3) Proceedings as to JOSEPH MALDONADO-PASSAGE held on 9/7/2018

		(Court Reporter CD.) (pmc) (Entered: 09/07/2018)
09/07/2018	 <u>3</u>	CJA 23 Financial Affidavit by JOSEPH MALDONADO-PASSAGE (PDF sealed per Privacy Policy) (pmc) (Entered: 09/07/2018)
09/07/2018	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to JOSEPH MALDONADO-PASSAGE. Signed by MAGISTRATE JUDGE ELIZABETH M TIMOTHY on September 7, 2018. (pmc) (Entered: 09/07/2018)
09/07/2018	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to JOSEPH MALDONADO-PASSAGE. Defendant committed to District of WESTERN DISTRICT OF OKLAHOMA. Signed by MAGISTRATE JUDGE ELIZABETH M TIMOTHY on September 7, 2018. (pmc) (Certified copies to USMS) (Entered: 09/07/2018)
09/07/2018	<u>6</u>	WAIVER of Rule 5 Hearings by JOSEPH MALDONADO-PASSAGE. (pmc) (Entered: 09/07/2018)
09/11/2018	<u>7</u>	Transmittal Letter Re: Rule 5 proceedings (pmc) (Entered: 09/11/2018)
09/11/2018		(Court only) ***Criminal Case Terminated as to JOSEPH MALDONADO-PASSAGE. (pmc) (Entered: 09/11/2018)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

COMMITMENT

-VS -

TO ANOTHER DIVISION

JOSEPH MALDONADO-PASSAGE

CASE NO. 3:18MJ256

CHARGES		
Charging Document	Statute	Charging District
Indictment	18 U.S.C. § 1958(a)	Western District of Oklahoma
		3:17cr72-J-39JRK
Description:		

PROCEEDINGS	
BOND STATUS:	Held in custody
COUNSEL:	AFPD
INTERPRETER:	n/a

TO: THE UNITED STATES MARSHAL		
<p>You are hereby commanded to take custody of JOSEPH MALDONADO-PASSAGE, and to transport the Defendant with a certified copy of this Commitment Order forthwith to the Charging Division and there deliver her to the United States Marshal for that District or to some other officer authorized to receive the Defendant.</p>		
<p><u>Elizabeth M. Timothy</u> Chief U.S. Magistrate Judge</p>		
September 7, 2018		
RETURN		
Commitment Order Received:	Place of Commitment:	Date Defendant Committed:
Date	United States Marshal	By Deputy Marshal

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 3:18mj256

JOSEPH MALDONADO-PASSAGE

I, JOSEPH MALDONADO-PASSAGE, understand that in the Western District of Oklahoma, charges are pending alleging a charge of 18 U.S.C. §§ 1958(a), and that I have been arrested in this District and taken before a United States Magistrate Judge, who informed me of the charge and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel,
- (2) request transfer of the proceedings to this district pursuant to Rule 5, Fed.R.Crim.P., in order to plead guilty,
- (3) an identity hearing to determine if I am the person named in the charge, and
- (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.
- (5) a detention hearing, the hearing to be held either in this district or the district of prosecution

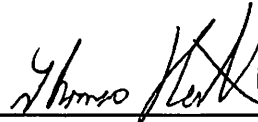
I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ identity hearing

- ☐ preliminary hearing (if entitled to such hearing)
- ☐ preliminary hearing but request a preliminary examination to be held in the prosecuting district
- ☒ detention hearing but request a detention hearing to be held in the prosecuting district, and, therefore, consent to remain in custody to be transported to the prosecuting district where the charge is pending against me.



JOSEPH MALDONADO-PASSAGE



Counsel for the Defendant

September 7, 2018

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 3:18mj256

JOSEPH MALDONADO-PASSAGE

**INITIAL APPEARANCE FOR DEFENDANT
CHARGED IN ANOTHER DISTRICT**

The defendant has been advised by the undersigned of the rights enumerated herein and the following action has been taken:

1. Advised that defendant is before a U.S. Magistrate
2. Advised of the charge or charges
3. Advised that defendant does not have to make any statement; that they have a right to consult with an attorney before making any statement; that any statement they make could be used against them; that they will not be called upon to enter a plea at this hearing
4. Advised of right to hire counsel, or have counsel appointed if, after inquiry, found to be financially unable to hire counsel
5. Defendant waived attendance of counsel for this hearing and advised that waiver does not prevent requesting counsel for trial
6. Defendant executed CJA 23

✓

✓

✓

✓

✓

✓

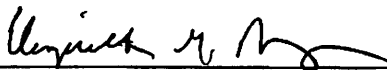
7. Federal public defender appointed after determination defendant unable to hire counsel (CJA 20) ✓
8. Advised defendant should obtain and file CJA 23 if subsequently decide to request appointment of counsel _____
9. Defendant admitted financial ability to employ counsel/Counsel _____
10. Defendant found financially unable to employ counsel _____
11. Defendant found to be able to make full or partial payment for appointed counsel _____
12. Federal public defender appointed solely for the purposes of proceedings in this district _____
13. Since indicted, informed that not entitled to a preliminary hearing ✓
14. Advised of right to hearing in this district as to identity (Rule 5(a)) ✓
 - (a) Advised of right to subpoena witnesses and produce evidence at identity hearing _____
 - (b) Advised the consequence after identity hearing is removal to the charging district and issuance of warrant _____
 - (c) Advised of right to waive identity hearing _____

- (d) Identity hearing waived (AO 121) ✓
- (e) Fix date for identity hearing _____
- (f) Identity hearing held and defendant found/not found to be the persons named in the charging instrument _____
- (g) Removal warrant authorized ✓
- 15. Defendant advised of right to consider Rule 20 transfer ✓
- 16. Defendant advised of right to reasonable bail _____
- 17. Order Setting Conditions of Release entered (AO 199A) _____
- 18. Government moved for detention without bail ✓
- (a) Government represented ready for detention hearing immediately _____
- (b) Government requested continuance of 1-3 days (up to and including 3 days) _____
- (c) Defendant advised of right of continuance for up to and including 5 days _____
- (d) Detention hearing scheduled and Temporary Detention Order entered _____
- (e) Detention hearing conducted _____
- 1) Order of detention entered _____
- 2) Order Setting Conditions of Release entered _____
- (f) Defendant stipulated to detention pending

review in charging district

✓

- (g) Defendant currently under order of incarceration, negating necessity of consideration of detention on this charge(s) at this time



ELIZABETH M. TIMOTHY
CHIEF UNITED STATES MAGISTRATE JUDGE

NOTES: _____

AUSA present at initial appearance: P. Love

AFPD present at initial appearance: T. Keith

Date: September 7, 2018

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 3:18mj256

JOSEPH MALDONADO-PASSAGE

ORDER

The above-named Defendant having appeared before the court, and having been examined by the undersigned, and the court having determined from the sworn testimony of the Defendant that said Defendant is qualified for appointment of counsel pursuant to the provisions of the Criminal Justice Act, it is hereby **ORDERED**:

The **FEDERAL PUBLIC DEFENDER**, Blount Building, Suite 200, 3 West Garden Street, Pensacola, Florida 32502, telephone number (850) 432-1418, is appointed to represent this Defendant and serve as counsel of record in the above-styled cause. Further proceedings will be held before the United States District Court **AS DIRECTED**. The Defendant is presently in custody. If a Criminal Justice Act (CJA) panel attorney is selected by the Public Defender as Defendant's attorney, this order authorizes payment of the CJA attorney for work on behalf of Defendant from the time that attorney was contacted by the Public Defender to take the case and agreed to take the case, even though that work predated this order. The pretrial

service officer is hereby authorized to provide copies of the Defendant's criminal history to counsel for both parties.

DONE and ORDERED this 7th day of September 2018.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

CHIEF UNITED STATES MAGISTRATE JUDGE